THE HON'BLE SRI JUSTICE C.V. NAGARJUNA REDDY

WRIT PETITION No. 23855 of 2007

Dated: 13.11.2007

Between:

Adari Krishna Kumari

… Petitioner

AND

The Land Acquisition Officer-cum-
Revenue Divisional Officer,
Collectorate Compound,
Eluru & another.

… Respondents

Counsel for the petitioner : Sri A. Ramalingeswara Rao

Counsel for the respondents : Assistant Government Pleader for Land Acquisition

THE HON'BLE SRI JUSTICE C.V. NAGARJUNA REDDY

WRIT PETITION No. 23855 of 2007

ORDER:-

This writ petition is filed for a writ of mandamus to declare the action of the respondents in trying to acquire the land of an extent of Ac.1-02 cents in RS.No.339/1 of Pothunuru Village, Dunduluru Mandal, West Godavari District without issuing any public notification in the Gazette as contrary to law and violative of the provisions of the Land Acquisition Act, 1894 (for short, 'the Act') and the Constitution of India.

A perusal of the affidavit and the documents filed along with the writ petition shows that the petitioner received notice dated 15.05.2007, wherein he was asked to submit his objections on or before 30.05.2007 to the proposal to acquire the land of an extent of Ac.1-02 cents in Sy.No.339/1E of Pothunuru Village of Dunduluru Mandal, West Godavari District, belonging to him. The petitioner sent a legal notice raising several objections to the said proposal and at that stage the present writ petition is filed.

Sri A. Ramalingeswara Rao, learned counsel for the petitioner submitted that notice dated 15.05.2007 lacks in material particulars such as the date of notification issued under Section 4 (1) of the Act etc. He therefore submitted that the initiation of proceedings by the respondents is defective in law.

It is no doubt true that the notice said to have been received by the petitioner does not contain the details of the notification said to have been issued under Section 4 (1) of the Act. However,

from a perusal of the contents of the legal notice got sent by the petitioner, it is evident that he has not raised any plea regarding the validity or otherwise of the notification issued under Section 4 (1) of the Act. At any rate, I am not inclined to go into this aspect for the reason that the enquiry initiated under Section 5A of the Act is pending and the petitioner already submitted his objections. Petitioner is given liberty to file additional objections on the validity of the very initiation of the land acquisition proceedings.

The writ petition is therefore disposed of in the following terms.

1) The petitioner may send his additional objections, if any, within two weeks from today.

2) Respondent No.1 shall consider legal notice dated 04.06.2007 got issued by the petitioner along with the additional objections, if any, to be raised by him in the enquiry to be held under Section 5A of the Act.

3) Till the completion of the process of consideration and disposal of the petitioner's objections, he shall not be dispossessed from the land in dispute.

As a sequel to disposal of the writ petition, WPMP.No.31065 of 2007 filed by the petitioner for interim relief is disposed of as infructuous.

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C.V. NAGARJUNA REDDY, J

Date: 13.11.2007
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